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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/876,515 | 06/07/2001 | Robert J. Davies | GB 000109 | 9201 |

24737 7590 02/24/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

LE, KAREN L

ART UNIT PAPER NUMBER

2642

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,515

Applicant(s)

DAVIES ET AL.

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiteside (U. S. 5,835,861) in view of King et al (U.S. 6,169,498).

Regarding claims 1, 8, 10 and 11, Whiteside teaches a communications system comprising at least one beacon device (Fig. 1, item 20) capable of wireless message transmission (Col. 2, lines 14-18) and at least one portable device (Fig. 1, item 10) capable of receiving such a message transmission (Col. 2, lines 54-55), wherein the beacon is arranged to broadcast a series of inquiry messages each in the form of a plurality of predetermined data fields arranged according to a first communications protocol (Col. 2, lines 35-39). The beacon is further arranged to add to each inquiry message prior to transmission an additional data field, and wherein the at least one portable device is arranged to receive the transmitted inquiry messages and read data from said additional data field (Col. 2, lines 35-39).

Whiteside does not teach the additional data field including location information. However King teaches the additional data field including location information (Col. 3, lines 54-56). Whiteside teaches a method for communicating location-specific messages that has a content that is related to a particular geographical location within a facility. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate King's location feature into Whiteside's system in order to provide additional data field including location information. This feature is old and popular in telecommunication system.

Regarding claims 2-3 and 12-13, Whiteside teaches the beacon is arranged to add said additional data field at the end of a respective inquiry message wherein the beacon is arranged to include an indication in one of said predetermined data fields, said indication denoting the presence of said additional data field (col. 2, lines 35-39).

Regarding claims 4 and 14, Whiteside further teaches a system as claimed in Claim 1, wherein said first communications protocol comprises Bluetooth messaging (Col. 1, lines 48-49).

Regarding claims 5 and 7, Whiteside further teaches a system as claimed in claim 4, wherein a special Dedicated Inquiry Access Code (DIAC) is used to indicate the presence of location information in the additional data field. Wireless messaging

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system employs frequency hopping, and further wherein location data is sent on each frequency used for inquiry message broadcasts (Col. 1, lines 48-49).

Regarding claim 6, Whiteside does not teach a system as claimed in claim 1, wherein the presence of location information in the additional data field is indicated with header information appearing in the additional data field. However, King teaches wherein the presence of location information in the additional data field is indicated with header information appearing in the additional data field (Abstract, lines 17-22).

Regarding claim 9, Whiteside further teaches a device as claimed in Claim 8, wherein the receiver is configured to receive messages according to Bluetooth protocols (Col. 1, lines 48-49).

Response to Arguments

3. Applicant's arguments with respect to claims 1- 14 have been considered but are moot in view of the new ground of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 571-272-7487. The examiner can normally be reached on 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le
KLL
February 17, 2006


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600